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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/913,906	01/22/2002	Hendrik Antonius Hoogland	294-106PCT/US	7316
7590	12/13/2005		EXAMINER JOHNSON, JERROLD D	
Ronald J Baron Hoffman & Baron 6900 Jericho Turnpike Syosset, NY 11791			ART UNIT 3728	PAPER NUMBER

DATE MAILED: 12/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/913,906

Applicant(s)

HOOGLAND ET AL.

Examiner

Jerrold Johnson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 April 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-37 and 39-41 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 1-37 and 39-41 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

Election/Restrictions

Restriction is required under 35 U.S.C. 121 and 372.

This application contains the following inventions or groups of inventions which are not so linked as to form a single general inventive concept under PCT Rule 13.1.

In accordance with 37 CFR 1.499, applicant is required, in reply to this action, to elect a single invention to which the claims must be restricted.

Group 1, claim(s) 2,3 and 18, drawn to the protective means comprising printing.

Group 2, claim(s) 4,34, drawn to the protective means comprising a magnet.

Group 3, claim(s) 6, drawn to the protective means comprising lip shaped sealing elements.

Group 4, claim(s) 7,8,9, drawn to the protective means comprising projections.

Group 5, claim(s) 10,11,35,36 and 37, drawn to the protective means comprising band shaped or strip shaped elements.

Group 6, claim(s) 12, drawn to the protective means comprising a hologram.

Group 7, claim(s) 13, drawn to the protective means comprising a bar code.

Group 8, claim(s) 14, drawn to the protective means comprising sealing means.

Group 9, claim(s) 15, drawn to cooperating closing means.

Group 10, claim(s) 16, drawn to injection molding at a specific temperature.

Group 11, claim(s) 17, drawn to one piece injection molding.

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Group 12, claim(s) 19-28, drawn to the method of manufacturing the protective means, specifically comprising printing, such that the protective means cannot be removed without damage.

Group 13, claim(s) 39,40, drawn to an apparatus for use in the manufacture of the storage device.

Group 14, claim(s) 41, drawn to means for fitting.

The inventions listed as Groups 1-14 do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons:

Claim 1 is not patentable under 35 USC 103(a) under Butcher WO 98/19305 (US 6,182,825) in view of Palmer et al. US 5,189,531 and Examiner Official Notice.

Butcher on page 10, lines 27-31 discloses a storage device for plate shaped data carriers. Butcher further discloses that an image such as a hologram can be achieved in the device, and the benefits of placing security information/identification on the storage device in a single moulding operation.

Palmer teaches exactly how this operation is performed.

Butcher does not disclose the exact configuration of the storage device, but the configurations as claimed are notoriously old configurations, and it would have been obvious to one of ordinary skill in the art to have modified another known configuration with the teachings of Butcher and Palmer so as to provide a storage device with enhanced security and identification properties.

Accordingly, as claim 1 does not set forth a single patentable inventive concept, the applicant is subject to choosing one of the inventive concepts set forth above in Groups 1-14.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jerrold Johnson whose telephone number is 571-272-7141. The examiner can normally be reached on 9:30 to 6:00 M-F.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mickey Yu can be reached on 571-272-4562. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JD 



Mickey Yu
Supervisory Patent Examiner
Group 3700